

Before the
UNITED STATES COPYRIGHT ROYALTY BOARD
Washington, D.C.

In the Matter of:

**DETERMINATION OF RATES
AND TERMS FOR MAKING AND
DISTRIBUTING PHONORECORDS
(Phonorecords IV)**

**Docket No. 21-CRB-0001-PR
(2023-2027)**

CORRECTED DECLARATION OF CLAYTON J. MASTERMAN

(On Behalf of Amazon.com Services LLC)

1. I am an associate at Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C., counsel for Amazon in the above-captioned proceeding.

2. I respectfully submit this declaration in connection with Services' Motion to Compel the Copyright Owners to Produce Documents; Amazon's Motion to Compel the Copyright Owners to Comply with Production Commitments; and Amazon's Motion for Sanctions Against Copyright Owners. I am authorized by Amazon to submit this declaration, and I am fully familiar with the facts and circumstances set forth herein.

3. Attached as Exhibit 1 to this Declaration is a true and correct copy of Amazon and Spotify's Set of Rebuttal Requests for Production of Documents to the Copyright Owners (May 3, 2022). Amazon and Spotify made non-material corrections to the RFPs on May 16, 2022. Amazon and Spotify originally served their RFPs on May 3, 2022.

4. Attached as Exhibit 2 to this Declaration is a true and correct copy of Services' Third Set of Interrogatories to the Copyright Owners (May 3, 2022).

5. Attached as Exhibit 3 to this Declaration is a true and correct copy of Copyright Owners' Responses and Objections to the First Set of Rebuttal Requests for Production from Amazon.com Services LLC and Spotify USA Inc. (May 13, 2022).

6. Attached as Exhibit 4 to this Declaration is a true and correct copy of Copyright Owners' Responses and Objections to the Services' Third Set of Interrogatories (May 13, 2022).

7. Attached as Exhibit 5 to this Declaration is a true and correct copy of Email from J. Branson to M. Harris (May 17, 2022).

8. Attached as Exhibit 6 to this Declaration is a true and correct copy of Email from M. Harris to J. Branson (May 19, 2022).

9. Attached as Exhibit 7 to this Declaration is a true and correct copy of Copyright Owners' Fourth Set of Interrogatories to Each of the Services (May 3, 2022).

10. Attached as Exhibit 8 to this Declaration is a true and correct copy of a document Bates stamped P4-UMPG000095008, [REDACTED].

11. Attached as Exhibit 9 to this Declaration is a true and correct copy of Email from J. Branson to M. Harris (May 20, 2022).

12. Attached as Exhibit 10 to this Declaration is a true and correct copy of Email from C. Young to Copyright Owners (May 23, 2022).

Pursuant to 28 U.S.C. § 1746, I hereby declare under the penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Dated: May 24, 2022
Washington, D.C.



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Exhibits 1-10

*Restricted – Subject to Protective Order in
Docket No. 21-CRB-0001-PR (2023-2027)
(Phonorecords IV)*

Omitted from Public Version

Proof of Delivery

I hereby certify that on Wednesday, May 25, 2022, I provided a true and correct copy of the Corrected Declaration of Clayton J. Masterman and Exhibits (PUBLIC) to the following:

Zisk, Brian, represented by Brian Zisk, served via E-Service at brianzisk@gmail.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via E-Service at benjamin.marks@weil.com

Johnson, George, represented by George D Johnson, served via E-Service at george@georgejohnson.com

UMG Recordings, Inc., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Apple Inc., represented by Mary C Mazzello, served via E-Service at mary.mazzello@kirkland.com

Warner Music Group Corp., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Joint Record Company Participants, represented by Susan Chertkof, served via E-Service at susan.chertkof@riaa.com

Powell, David, represented by David Powell, served via E-Service at davidpowell008@yahoo.com

Copyright Owners, represented by Benjamin K Semel, served via E-Service at Bsemel@pryorcashman.com

Google LLC, represented by Gary R Greenstein, served via E-Service at ggreenstein@wsgr.com

Spotify USA Inc., represented by Joseph Wetzel, served via E-Service at joe.wetzel@lw.com

Sony Music Entertainment, represented by Steven R. Englund, served via E-Service at

senglund@jenner.com

Signed: /s/ Joshua D Branson